

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 16, 2010
[Signature]
CLERK

COMMUNICATION SERVICE FOR THE DEAF, INC.,

CIV. 10-4134

Plaintiff,

NOTICE OF REMOVAL

VS.

FIRST ADMINISTRATORS, INC.,

Defendant.

TO THE ABOVE ENTITLED COURT:

Under 28 U.S.C. § 1446(a), Defendant gives notice that it removes this case to the United States District Court for the District of South Dakota, Southern Division, for the following reasons:

1

Plaintiff, Communication Service for the Deaf, Inc., is organized under the laws of South Dakota, with its principle place of business in Sioux Falls, South Dakota. That the Defendant, First Administrators, Inc., is an Iowa Corporation, with its principle place of business in Des Moines, Iowa.

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2.

On August 19, 2010, the CT Corporation located in Pierre, South Dakota, registered agent of the Defendant, admitted service of a Summons and Complaint. On August 20, 2010, Defendant received notice of the suit when its counsel was provided a copy of the Summons and Complaint. A copy of the Summons and Complaint that were served upon CT Corporation Systems and the Admission of Service are attached as Exhibit A. The Summons, Complaint, and Admission of Service constitute all process pleading and orders served upon Defendant in this action.

3.

Plaintiff seeks damages of claims allegedly not covered by insurance, which, if due, exceed the sum of \$75,000. The matter in controversy therefore exceeds the sum of \$75,000 exclusive of interest and costs. Based on diversity of citizenship, this court has jurisdiction under 28 U.S.C. § 1332. Removal is proper under 28 U.S.C. § 1441.

4.

Defendant seeks to remove this action from the Second Judicial Circuit, Minnehaha County, State of South Dakota, to the United States District Court for the District of South Dakota, Southern Division. This Notice is filed with the Court under 28 U.S.C. § 1446(a). This notice will also be filed with the Clerk of the Second Judicial Circuit under 28 U.S.C. § 1446(d).

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WHEREFORE, Defendant prays that all further proceedings be had as provided by the laws of the United States.

Dated this 16th day of September, 2010.

WOODS, FULLER, SHULTZ & SMITH P.C.

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